

11-12-08

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

PUBLIC UTILITIES
COMMISSION

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FILED

---- In the Matter of ----

PUC Docket No. 2008-02730

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate the
Implementation of Feed-in Tariffs.

MOTION TO INTERVENE

OF

SOPOGY INC.

AND

CERTIFICATE OF SERVICE

John N. Rei, Chief Operating Officer
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----) PUC Docket No. 2008-0273
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PUBLIC UTILITIES COMMISSION)
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Instituting a Proceeding to Investigate the)
Implementation of Feed-in Tariffs.)

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I. INTRODUCTION

Sopogy Inc. ("Movant") hereby moves the Hawaii Public Utilities Commission for an order allowing Movant to intervene as a party in the instant docket.

II. MOTION TO INTERVENE OF SOPOGY INC.

BACKGROUND

Sopogy Inc. (Sopogy) is a Hawaii-based, private, for-profit corporation that develops solar thermal technologies for clean, renewable electricity generation, solar air conditioning and process heat applications. Sopogy has one power purchase agreement (PPA) with HECO to provide electricity to the grid through Sopogy's solar thermal electric project on the Big Island, and Sopogy has plans for similar projects throughout the state to support Hawaii's push for clean, renewable energy.

Sopogy, as a stand alone organization, has to date not been a direct intervenor in previous PUC dockets. However, Sopogy is a member of the Hawaii Renewable Energy Alliance (HREA), an organization whose members have been intervenors in PUC Docket No. 94-0226 (Renewable Energy) and in the first two rounds of HECO's IRP, including the Externalities Working Group, Supply-Side and DSM Advisory Committees. HREA is a current member of the Advisory Groups for both HECO and MECO third round IRPs, and HREA is an intervenor in

PUC Docket No. 99-0004 (MECO IRP – 2000 to 2020), which is MECO's third round IRP. HREA was also an intervenor in PUC Dockets on Electric Competition, Including an investigation of the Electric Utility Infrastructure in the State of Hawaii (No. 96-0493), Distributed Generation (No. 03-371), Competitive Bidding for New Generation (No. 03-372), Demand-Side Management/Energy Efficiency (No. 05-0069). HREA is currently an intervenor on the following dockets: Net Metering (No. 2006-0084), PAYS® (No. 2006-0425), RPS (2007-0008), and HECO IRP-4 (No. 2007-0084). Renewables are an important part of the discussion in each of these dockets, and especially the integration of renewable on our island grids.

Accordingly, Sopogy has a substantial and continuing interest in the subject of renewables in the electric utility sector. Regarding the instant docket, Sopogy's interests extend directly to the encouragement of renewable electricity via the implementation of a feed-in tariff. Sopogy believes that a well constructed feed-in tariff for renewable energy offers specific benefits to the state, to include price stability, increased energy security and support of our state's goal to reduce our dependence on imported energy.

ARGUMENT

Pursuant to Hawaii Revised Statutes Section 269-6 and Sections 6-61-41 and 6-61-55, Rules of Practice and Procedure before the Public Utilities Commission, Chapter 61, of Title 6 of the Hawaii Administrative Rules, Movant states the following in support of its motion:

1. **Nature of Movant's Statutory or other Right to Participate in this Proceeding.**

By opening this Docket, the Public Utilities Commission has invited any interested individual, entity, agency or community or business organization to file a motion to intervene in this docket or to participate without intervention. Movant is a "business organization" within the meaning of the invitation.

2. **The Nature and Extent of the Applicant's Property, Financial, and Other Interest in the Pending Matter.**

Movant's organization is involved in developing, manufacturing, marketing, selling, installing and maintaining concentrating solar power (CSP) projects in Hawaii, and as such is

concerned about access to the electricity market. Accordingly, there are substantial financial and other interests implicated in this docket.

3. Effect of Pending Order upon Movant's Interest.

As a local renewable energy company that is developing concentrating solar power projects in the state, the establishment of a feed-in tariff "for each type of renewable energy resource based on project size fed into the grid" has a significant financial impact on Sopogy's business and project development plans within the State of Hawaii.

4. Other Means by Which the Movant's Interest may be Protected.

None.

5. Extent to Which Movant's Interest will be Represented by Other Parties.

The interests of Sopogy will not be adequately represented by other parties to the proceedings. This is highlighted by the fact that DBEDT's most recent study ("Hawaii Clean Energy Initiative" conducted by Booz Allen Hamilton, June 11, 2008) has overlooked this technology and its potential contribution, to include Sopogy's project already under construction on the Big Island, and instead only highlights photovoltaic (PV) potential for the solar component of the state's roadmap to energy independence. Previous studies conducted within the state have indicated that concentrating solar power has the potential to provide up to 355 MW of power (with the undersea cable scenario), thereby representing an important component of Hawaii's portfolio approach toward achieving Hawaii's renewable energy goals (see "Solar Electric Generating System (SEGS) Assessment for Hawaii" from December 15, 1992 and the Hawaii Energy Policy Forum Legislative Briefing on Renewable Energy, January 19, 2006).

Sopogy believes that concentrating solar power must be addressed separately from PV in this feed-in tariff docket, as CSP has very different economics from PV due to its materials used, its single axis tracking for increased production, and its more favorable operating characteristics including a smoother power delivery profile and the ability to incorporate cost effective thermal storage options. Sopogy brings this specific knowledge and

expertise for CSP technologies to this feed-in tariff discussion. As such, Sopogy's interests cannot be adequately represented by other parties to this docket.

6. Extent to Which Movant Can Assist in the Development of a Sound Evidentiary Record.

Sopogy will provide the resources, including professional expertise and time, necessary for effective representation, and to assist in the development of a sound evidentiary record.

7. Extent to Which Movant's Participation will Broaden the Issues or Delay the Proceeding

None.

8. Extent to Which Movant's Interest from the General Public

See #2 above.

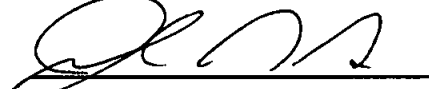
9. Whether the applicant's position is in support of or in opposition to the relief sought

Sopogy is interested in working with the other parties and participants (if any) to resolve issues in the instant docket. We anticipate the result will provide overall benefits to the state, including the potential to reduce the cost of electricity to government agencies, increase energy security and support our state goal to reduce our dependence on imported energy.

CONCLUSION

Based on the foregoing, Movant respectfully requests that the Commission grant Movant's Motion to Intervene.

DATED: November 12, 2008, Honolulu, Hawaii


COO, Sopogy, Inc.
John N. Re:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion to Intervene upon the following parties by causing a copy hereof to be hand-delivered or mailed, postage prepaid and properly addressed to each such party:

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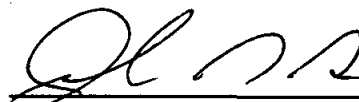
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